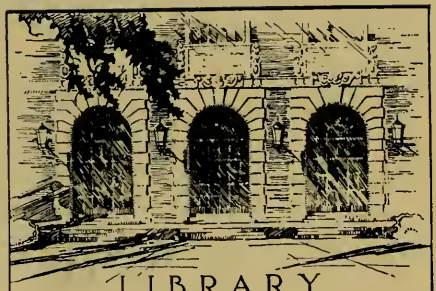

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Church Committee for Church Defence and Church Instruction.

Presidents:—The Archbishops of Canterbury and York.

Church and State Principles.

By the Lord Bishop of Oxford.

The following statement was put before the Ecclesiastical Courts Commission by Dr. Stubbs, now Bishop of Oxford, in 1882 :—

1. THE State has the power and a right to endow and disendow any religious body, and to prescribe the terms under which endowments shall be held, and to provide and modify the machinery for securing that those terms shall be observed by the religious body so endowed, and to withdraw the endowments if the terms are not kept, or if, for other reasons, it seems to the State expedient or necessary to withdraw them.

2. The State is the source of all coercive jurisdiction, and where it allows such jurisdiction to be exercised has a right to prescribe the terms on which it is to be retained, and to examine into the way in which it is exercised.

3. The Church of England is a religious body, with distinct principles of constitution, and a certain relation to historical and Catholic Christianity, which it cannot alter or part with without forfeiting its essential character, and which the State, so long

as it deals with the Church as a corporate institution, recognises as integral and consistent with the terms on which it so deals, either by suffering it to hold property or to exercise a coercive jurisdiction.

4. The Church has, as a part of its essential constitution, the right to declare the law in matters of faith and spiritual discipline, to try spiritual causes, and to pronounce spiritual censures; but she has no coercive jurisdiction except by the gift and permission of the State, and even spiritual censures may, when they involve temporal consequences, be restrained by the civil power.

5. By the Church of England is to be understood the clergy and the laity, who are habitually sharers in the Sacraments and other ordinances, and who have not, by any act of disobedience or schism, separated themselves from her communion.

6. The clergy have their share in securing and maintaining the constitution of the Church by their efficient service in spiritual matters, by their discharge of the office of teachers, by their cultivation of theological learning, by their voice in the Convocations, and by the fact that ecclesiastical magistracy is or should be exercised by the spiritual hierarchy.

7. The laity have their share in securing and maintaining the constitution of the Church by their influence in the State, by their voice in Parliament, by their possession of patronage, and by the influence they possess, according to existing arrangements, in the appointment of the ecclesiastical magistracy, the Archbishops and Bishops.

8. The State has in all ages exercised the power of dealing with ecclesiastical endowments by altering

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the boundaries of dioceses and parishes, by resettling ecclesiastical estates, and by rearranging benefactions.

9. The State has in all ages exercised a right of restraint over ecclesiastical jurisdiction by forbidding ecclesiastical legislation, by allowing and restraining ecclesiastical appeals, and by prohibiting, within certain limits, the issue of ecclesiastical sentences.

10. The State, while exercising the right to limit the Church's power of legislation, has not the right to make canons, but has recognised it as belonging to the Church; while exercising the right to authorise and enforce the Liturgy it has not the right of making a Liturgy; and, while exercising the right to restrain ecclesiastical censures, has not the right to authorise secular officials to issue such sentences.

11. The State has a right to control ecclesiastical judicature, and to remedy complaints of a lack of justice, by staying the execution of sentences and by directing the hearing of appeals.

12. The laity have the right to enforce the maintenance of authorised religious teaching by the machinery of the accepted Church constitution.

13. The machinery by which the State ascertains the observance of the terms on which ecclesiastical endowments and jurisdictions are retained should not be vexatious on the one hand or revolutionary on the other.

14. In case of any readjustment of rights and duties between Church and State, the clergy have a right to accept or refuse by the action of their representative assemblies.

15. Recent changes having done much to alter

the balance in Church and State, the Church has a right to demand a readjustment on the ancient lines limited by what is called the Reformation Settlement.

16. Recent legislation having, by the removal of certain ancient departments of jurisdiction from the ecclesiastical to the civil courts, weakened the ecclesiastical jurisdiction, both as to authority and as to the possession of skilled and experienced judges, some measures should be taken for strengthening the ecclesiastical judicature.

17. It is important that any attempt to settle and strengthen Church judicature should proceed on a statesmanlike plan, and not be a mere attempt to stop gaps and obviate incidental discontent by improvised remedies. Such an attempt can only be made by a careful following up of the lines of ecclesiastical constitution, and not on speculative utilitarian principles or on the analogies of political economy.

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